

ORAL ARGUMENT SCHEDULED NOVEMBER 3, 2025
No. 25-5243

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

REFUGEE AND IMMIGRANT CENTER FOR EDUCATION AND LEGAL SERVICES,
et al.,
Plaintiffs-Appellees,
v.
KRISTI NOEM, et al.,
Defendants-Appellants.

On Appeal from the United States District Court
for the District of Columbia
No. 1:25-cv-00306 (Moss, J.)

DEFENDANTS-APPELLANTS' MOTION TO STAY

PATRICK GLEN
DAVID KIM
KATHERINE J. SHINNERS
Senior Litigation Counsel
Office of Immigration Litigation
General Litigation and Appeals
Section

BRETT A. SHUMATE
Assistant Attorney General
YAAKOV M. ROTH
Principal Deputy Assistant
Attorney General
DREW C. ENSIGN
Deputy Assistant Attorney
General
BENJAMIN HAYES
Senior Counsel to the Assistant
Attorney General
U.S. Department of Justice, Civil
Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
(202) 514-2000
Drew.C.Ensign@usdoj.gov

Due to the ongoing lapse in appropriations, Defendants-Appellants hereby move for a stay of this appeal, including to continue the oral argument scheduled for November 3, 2025.

1. At the end of the day on September 30, 2025, the appropriations act that had been funding the Department of Justice expired and those appropriations to the Department lapsed. The same is true for the majority of other Executive agencies, including certain of the federal Defendants-Appellants. The Department does not know when such funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys and employees of certain of the federal Defendants are prohibited from working, even on a voluntary basis, except in limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

3. Undersigned counsel from the Department of Justice therefore requests a stay of proceedings in this appeal until Congress has restored appropriations to the Department.

4. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the

Department. Defendants-Appellants request that, at that point, oral argument be rescheduled for no earlier than two weeks after the end of the lapse in appropriations.

5. Opposing counsel has stated that Plaintiffs-Appellees oppose the requested stay and corresponding continuance of oral argument.

Therefore, although Defendants-Appellants greatly regret any disruption caused to the Court and the Plaintiff-Appellees, the Government hereby moves for a stay of this appeal, including a continuance of the November 3, 2025, argument date, to a date no earlier than two weeks after the end of the lapse in appropriations.

October 21, 2025

PATRICK GLEN
DAVID KIM
KATHERINE J. SHINNERS
Senior Litigation Counsel
Office of Immigration Litigation
General Litigation and Appeals
Section

Respectfully submitted,

BRETT A. SHUMATE
Assistant Attorney General
YAAKOV M. ROTH
Principal Deputy Assistant
Attorney General

/s/ Drew C. Ensign
DREW C. ENSIGN
Deputy Assistant Attorney
General

BENJAMIN HAYES
Senior Counsel to the Assistant
Attorney General
U.S. Department of Justice,
Civil Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
(202) 514-2000
Drew.C.Ensign@usdoj.gov

CERTIFICATE OF COMPLIANCE

This motion complies with the word limit of Federal Rule of Appellate Procedure 27(d)(2)(A) because the motion contains 274 words. The motion complies with the typeface and type-style requirements of Federal Rules of Appellate Procedure 27(d)(1)(E) and 32(a)(5)-(6) because it was prepared using Word for Microsoft in Century Schoolbook 14-point font, a proportionally spaced typeface.

/s/ Drew C. Ensign
Drew C. Ensign

CERTIFICATE OF SERVICE

I hereby certify that on October 21, 2025, I electronically filed the foregoing brief and accompanying addendum with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit by using the appellate CM/ECF system. Service will be accomplished by the appellate CM/ECF system.

/s/ Drew C. Ensign
Drew C. Ensign